

PROB 12C
(7/93)

Report Date: December 13, 2012

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

DEC 26 2012

JAMES R. LARSEN, CLERK
DEPUTY
RICHLAND, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Elias Bustos Espana

Case Number: 2:08CR02052-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: 2/11/2009

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1)
Unlawful Sale of a Firearm, 18 U.S.C. § 922(d)

Original Sentence: Prison - 48 Months TSR - 36 Months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Alison L. Gregoire **Date Supervision Commenced:** 11/1/2011

Defense Attorney: Alison Klare Guernsey Date Supervision Expires: 10/31/2014

PETITIONING THE COURT

To issue a summons.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1

Special Condition # 16: You shall undergo a substance abuse evaluation and, if indicated, enter into and successfully complete an approved substance abuse treatment program, including aftercare. You shall contribute to the cost of treatment according to your ability. You shall allow full reciprocal disclosure between the supervising probation officer and treatment provider.

Supporting Evidence: Mr. Espana was terminated from drug and alcohol treatment at Merit Resource Services (Merit) on November 7, 2012.

Mr. Espana provided a urinalysis sample and the specimen returned positive for marijuana. Subsequently, the defendant submitted to a drug and alcohol evaluation at Merit on September 6, 2012, and was found in need of intensive outpatient (IOP) drug and alcohol treatment. During the evaluation, the defendant stated he started smoking marijuana at age 17 and was smoking on a daily basis, until his arrest for his underline offense. The defendant reported he last smoked marijuana on August 3, 2012. Mr. Espana also advised he was consuming alcohol almost every weekend since released from custody.

Prob12C

Re: Espana, Elias Bustos

December 13, 2012

Page 2

On October 16, 2012, Mr. Espana commenced IOP, however, after starting treatment, the defendant refused to sign his treatment contract. Also, Mr. Espana was unwilling to sign approval to contact his physician regarding the prescribed hydrocodone medication. According to the treatment provider, Mr. Espana's physician was going to be asked to weigh the risks against the benefits of using mood/mind altering medications with a patient who has been diagnosed chemically dependent. According to Mr. Espana, his physician recommended he could take up to seven hydrocodone pills per day.

Mr. Espana was discharged from IOP on November 7, 2012. The discharge summary also indicated the defendant should be reevaluated to determine appropriate placement due to his severe biomedical condition. As of December 12, 2012, Mr. Espana reports he is still taking hydrocodone for pain.

2 **Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: Mr. Espana was cited for speeding 20 miles over the limit on November 10, 2012.

3 **Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: Mr. Espana was cited for speeding 20 miles over the limit on November 29, 2012.

Prob12C

Re: Espana, Elias Bustos

December 13, 2012

Page 3

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 12/13/2012

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- Other

Edward T. Shea

Signature of Judicial Officer

December 26, 2012

Date